

REMARKS/ARGUMENTS

The Examiner states that the inventions of Groups I and II are related as product and process of use under M.P.E.P. § 806.05(h) and that the ink composition may be used in a materially different process, such as a lithography printing process.

However, the Examiner has advanced no reasons to support the proposition that the ink composition of the claims of Group I would be appropriate for use in a process of lithographic printing. Therefore, it is submitted that the requirements of M.P.E.P. § 806.05(h) have not been met and it is requested that the claims in Groups I and II be rejoined and examined in the present application.

Further, if the claims of Group I are ultimately found allowable, it is requested that the claim of Group II be rejoined and allowed in the present application, also.

The Examiner states that the inventions of Groups I and III are related as mutually exclusive species in an intermediate-final product relationship under M.P.E.P. § 806.04(b) and that the intermediate product is deemed to be useful as a nail polish.

However, one of the criteria for an intermediate-final product relationship is that the intermediate loses its identity in the final product, which is not the case here. The relationship between the inventions of Group I and III is actually combination-subcombination under M.P.E.P. § 806.05(c) with the combination being the claims of Group III and the subcombination being the claims of Group I. Since distinctness between a combination-subcombination relationship must be two-way distinctness and such has not been demonstrated by the Examiner in the Restriction Requirement, it is submitted that the requirements for restriction under M.P.E.P. § 806.05(c) have not been met and it is requested that the claims of Groups I and III be rejoined and examined in the present application.

Finally, Applicants traverse the Restriction Requirement on the grounds that thousands of U.S. patents have issued in which many more than three subclasses have been


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searched and the Patent and Trademark Office cannot reasonably assert that a burden exists in searching only three subclasses.

Accordingly, for the reasons presented above, it is submitted that the Patent and Trademark Office has failed to meet the burden necessary to sustain the restriction requirement. Withdrawal of the restriction requirement is respectfully requested.

Respectfully submitted,

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